

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6362. Adulteration and misbranding of tomato puree. U. S. v. 81 Cases of Tomato Puree (and 4 other seizure actions against tomato puree). Decrees of condemnation, 1 decree containing provision for release under bond of the product involved. (F. D. C. Nos. 11611, 11829, 11849, 11850, 11921, 11922. Sample Nos. 51718-F, 60401-F, 60402-F, 65613-F, 65617-F, 65618-F, 66170-F, 66171-F.)

LIBELS FILED: Between January 27 and March 2, 1944, Western District of Washington, District of Massachusetts, District of Connecticut, Northern District of New York.

ALLEGED SHIPMENT: From on or about December 11, 1943, to January 5, 1944, by the A. M. Beebe Co., Inc., Alameda, Salinas, and San Francisco, Calif.

PRODUCT: Tomato puree: 257 cases at Seattle, Wash., 125 cases at New Haven, Conn., 22 cases at Utica, N. Y., 80 cases at Schenectady, N. Y., and 1,450 cartons at Boston, Mass., each containing 6 No. 10 cans.

LABEL, IN PART: (Cans) "Red Sail Tomato Puree Contents 6 Lbs. 8 Oz. Frank Raiter Canning Co., Salinas, Calif. Sales Office G. R. Barth Co. San Francisco, Calif.," or "Net Contents 6 Lbs. 8 Oz. Calirose Brand Tomato Puree."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3) (all lots), the article consisted in whole or in part of a decomposed substance.

Misbranding (Seattle, New Haven, Utica, and Schenectady lots), Section 403 (a), the statement "Net Contents 6 Lbs. 8 Oz." was false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 2, 1944. The Musolino LoConte Co., Boston, Mass., claimant for the Boston lot, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Between February 21 and May 16, 1944, no claimant having appeared for the remaining lots, judgments of condemnation were entered and it was ordered that the New Haven lots be disposed of by distribution of the fit portion to charitable institutions and the unfit portion to a correctional institution, for use other than human consumption, and that the other lots be destroyed.

6363. Adulteration of tomato soup. U. S. v. 1,366 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 11042. Sample No. 48220-F.)

LIBEL FILED: November 9, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 9, 1943, by the H. J. McGrath Co., Baltimore, Md.

PRODUCT: 1,366 cases, each containing 24 cans, of tomato soup at Cleveland, Ohio.

LABEL, IN PART: "Milan Brand Condensed Tomato Soup * * * Distributed by The Wm. Edwards Co. Cleveland, Ohio."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy tomato material, as evidenced by rot fragments and excessive mold count.

DISPOSITION: February 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND POULTRY

6364. Adulteration of frozen, dressed rabbits. U. S. v. 275 Crates of Frozen Dressed Rabbits. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11691. Sample No. 66017-F.)

LIBEL FILED: On or about January 31, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about January 10, 1944, by the Trainin Produce Co., from Lindsborg, Kans.

PRODUCT: 275 crates of frozen, dressed rabbits, weighing a total of approximately 21,550 pounds, at Jersey City, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 31, 1944. The Trainin Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion, under the supervision of Food and Drug Administration.

6365. Adulteration of dressed poultry. U. S. v. 1 Box and 17 Boxes of Dressed Poultry. Default decrees of condemnation and destruction. F. D. C. Nos. 11474, 11610. Sample Nos. 46537-F, 46538-F.)

LIBELS FILED: December 4 and 10, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: October 14 and November 18, 1943, by Stork Brothers, from New Ulm, Minn.

PRODUCT: 18 boxes of dressed poultry at Chicago, Ill.

VIOLATIONS CHARGED: Adulteration (17 boxes), Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; Section 402 (a) (5), it consisted in whole or in part of birds which had died otherwise than by slaughter; and (1 box), Section 402 (a) (5), it was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

DISPOSITION: February 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6366. Adulteration of dressed poultry. U. S. v. 1 Barrel and 3 Boxes of Dressed Poultry. Consent decree of condemnation. Product ordered released under bond to be regraded. (F. D. C. No. 11717. Sample No. 46548-F.)

LIBEL FILED: December 28, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: December 13, 1943, by W. P. Stork, from Tyler, Minn.

PRODUCT: 1 barrel and 3 boxes of dressed poultry at Chicago, Ill.

LABEL, IN PART: "Third Grade * * * Karsten & Sons * * * Chicago Ill Distributors."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; Section 402 (a) (5), it was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

DISPOSITION: February 1, 1944. Karsten & Sons, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be regraded under the supervision of the Food and Drug Administration. The unfit portion was subsequently denatured.

NUTS AND NUT PRODUCTS

6367. Adulteration of shelled almonds. U. S. v. 25 Boxes of Almonds (and 1 other seizure action against almonds). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 11540, 11610. Sample Nos. 48267-F, 48270-F, 48271-F.)

LIBELS FILED: January 10 and 28, 1944, Southern District of New York and Northern District of Ohio.

ALLEGED SHIPMENT: On or about December 6 and 7, 1943, by the American Pistachio Corporation from Philadelphia, Pa., and New York, N. Y., to Cleveland Ohio; one lot reshipped to New York on or about January 11, 1944.

PRODUCT: Shelled almonds: 25 boxes at Cleveland, Ohio, and 50 boxes at New York, N. Y., each box labeled as containing 28 pounds.

LABEL, IN PART: (Boxes) "Jordan Almonds Dog Brand," "Jordan Almonds * * * Ferdinand Schwarzmenn, S. A. Malaga Spain," or "Schwarzmenn Condor Valencia Almonds * * * Condor Brand."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged almonds.